

Docket No.: 2815-0339PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Joachim DEMNITZ et al.

Application No.: NEW

Confirmation No.: N/A

Filed: December 20, 2005

Art Unit: N/A

For: DIARYLMETHYL DERIVATIVES AS  
POTASSIUM CHANNEL MODULATORS

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

A summary/abstract translation of some of the non-English language references is enclosed. Furthermore, please note that WO 97/34599 and WO 01/27070 are cited in the specification, and FR 1 510 292 corresponds to U.S. Patent 3,453,269.

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark

Application No.: NEW

Docket No.: 2815-0339PUS1

Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

A concise explanation of relevance of some of the items listed on form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 20, 2005

Respectfully submitted,

By MaryAnne Armstrong  
MaryAnne Armstrong, Ph.D.  
Registration No.: 40,069  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
				Application Number	NEW
				Filing Date	December 20, 2005
				First Named Inventor	Joachim DEMNITZ
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	2815-0339PUS1

<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
AA*	US-3,453,269	07-01-1969	ANDRUP et al.		

<b>FOREIGN PATENT DOCUMENTS</b>						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
BA	WO-03/059873-A1	07-24-2003				
BB	WO-01/49663-A2	07-12-2001				
BC	WO-97/34589-A1	09-25-1997				
BD	WO-00/50026-A1	08-31-2000				
BE	WO-00/69439-A1	11-23-2000				
BF	WO-01/21169-A1	03-29-2001				ABS
BG	DE-933 028-C	09-15-1955				
BH	AT-176 845-B	11-25-1953				
BI	FR-1 510 292-A	01-19-1968				
BJ	WO-97/34599-A2	09-25-1997				
BK	WO-01/27070-A1	04-19-2001				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

<b>NON PATENT LITERATURE DOCUMENTS</b>						
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T <sup>2</sup>
CA	SHANKLIN, J.R. et al., Journal of Medicinal Chemistry, American Chemical Society, Washington, US, vol. 34, no. 10, 1991, pages 3011-3022.					
CB	BRUGNARA, C. et al., Journal of Pharmacology and Experimental Therapeutics, American Society for Pharmacology and, US, vol. 273, no. 1, April1, 1995, pages 266-272					
CC	Database Beilstein, Beilstein Institute for Organic Chemistry, Frankfurt-Main, DE; XP002298885 & SALMON-LEGAGNEUR: Hebd, Seances Acad. Sci., vol. 245, 1957, pages 1810-1812.					
CD	Database Beilstein, Beilstein Institute for Organic Chemistry, Frankfurt-Main, DE; XP002298886, ROS et al, Pharmazie, vol. 49, no. 10, 1994, pages 778-779.					
CE	Database Beilstein, Beilstein Institute for Organic Chemistry, Frankfurt-Main, DE; XP002298887, TAGMANN et al., Helv. Chim. ACTA, vol. 35, 1952, pages 1541-1545					
CF	Database Beilstein, Beilstein Institute for Organic Chemistry, Frankfurt-Main, DE; XP002298888, SALMON-LEGAGNEUR, Bull. Soc. Chim. FR., 1952, pages 994-998					
CG	Database Beilstein, Beilstein Institute for Organic Chemistry, Frankfurt-Main, DE; XP002298889, SALMON-LEGAGNEUR, Bull. Soc. Chim. FR., 1952, pages 580-583					

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not

Examiner Signature	Date Considered
--------------------	-----------------

Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				Application Number	NEW
Sheet	2	of	2	Filing Date	December 20, 2005
				First Named Inventor	Joachim DEMNITZ
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
				Attorney Docket Number	2815-0339PUS1

considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--